

KENNETH WAYNE LEWIS,
 Plaintiff,
 v.
 UNITED STATES DEPARTMENT
 OF JUSTICE, et al.,
 Defendants.

Civil No. 19-10821-LTS

June 25, 2019

On April 26, 2019, Kenneth Wayne Lewis, a prisoner confined to FMC Devens, fled a complaint and an application to proceed *in forma pauperis*. On May 15, 2019, Magistrate Judge Boal issued an Order and Report and Recommendation in which she recommended that this action be dismissed pursuant to 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915A(b). *See* Docket No. 5. At that time, Lewis' motion for leave to proceed *in forma pauperis* was allowed with the \$350.00 filing fee to be collected in accordance with 28 U.S.C. § 1915(b)(2). *Id.*

On May 23, 2019, Lewis filed two responses to the Report and Recommendation. *See* Docket Nos. 8, 9. Plaintiff's responses fail to state a cognizable claim and suffer from the same pleading deficiencies as his original complaint. In the first response, Lewis states that it cannot be disputed that when he was sentenced in his criminal case, "counts (1-4) were imposed in the wrong category of 2 or 3." *See* Docket No. 8, p. 1. Lewis challenges the Report and Recommendation as "false, fraudulent and, under Rule 9(b), material and negligent

misrepresentation.” *Id.* at p. 4. He also questions Magistrate Judge Boal’s “integrity” and “impartiality.” *Id.* Lewis complains of “false imprisonment” based upon “inaccurate files and records” as well as “attempted murder at FCI Fort Dix and again at FMC Devens.” *Id.*

In his second response, Lewis seeks to have an “en banc” court hear this matter. *See* Docket No. 9. In this one-page response, Lewis again challenges Magistrate Judge Boal’s integrity and impartiality and requests a “hearing de novo.” *Id.*

Here, Lewis’ several objections do not meaningfully address the pleading deficiencies of his original complaint and do not form the basis for any relief.

After de novo review, and upon review of Magistrate Judge Boal's Report and Recommendation, this Court hereby ADOPTS the recommendation in its entirety. Accordingly, it is hereby Ordered that the complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2), § 1915A(b), for failure to state a claim upon which relief may be granted. The clerk is directed to enter an Order of Dismissal.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge